



**Talbot County Planning Commission
Final Decision Summary**

Wednesday, January 6, 2021 at 9:00 a.m.

Virtual

Attendance:

7 <u>Commission Members:</u>	14 <u>Staff:</u>
8 Phillip “Chip” Councill, Chairman	15 Miguel Salinas, Planning Officer
9 William Boicourt, Vice Chairman	16 Elisa Deflaux, Planner II
10 Michael Strannahan	17 Maria Brophy, Planner II
11 Lisa Ghezzi	18 Mike Mertaugh, Assistant County Engineer
12 Paul Spies	

1. **Call to Order**—Commissioner Councill called the meeting to order at 9:01 a.m.

2. **Election of Officers**— Miguel Salinas, Planning Officer, explained that the votes are confidential; once a person has been nominated the Commissioners will send their votes directly to Miguel and he will tally up the votes.

Commissioner Strannahan moved to nominate Phillip “Chip” Councill, as Chairman. Commissioner Boicourt seconded the motion. The motion carried (4-0, Councill abstained). Mr. Councill accepted the position of Chairman for another term.

Commissioner Ghezzi moved to nominate William Boicourt as Vice Chairman. Commissioner Strannahan seconded the motion. The motion carried (4-0, Boicourt abstained). Mr. Boicourt accepted the position of Vice Chairman for another term.

3. **Decision Summary Review**— December 2, 2020—The Commission noted the following corrections to the draft decision summary:

- a. Line 31; correct to read “we” not “us”
- b. Line 79; strike “He also noted that the special exception process tends to favor the applicant”.
- c. Line 217; strike “widening”

Commissioner Ghezzi moved to approve the Decision Summary, with amendments. Commissioner Boicourt seconded the motion. The motion carried unanimously.

4. **Old Business**

a. **Applicant:** Moores Rd. LLC
File No.: M1170 & L1350
Agent: Sean Callahan, Lane Engineering, LLC
Request: 1. Preliminary Major Subdivision

51 2. Waiver of installation of sidewalk and streetlights per §190-35.5
52 of the Talbot County Code

53 **Location:** MD-329 & Bellevue Road, Royal Oak, MD 21662

54 **Zoning:** Map 41 Grid 7, Parcel 68; Zone: VH, WRC, RC, CAO

55 This application is a continuation from the December 2020 Planning Commission
56 Meeting. The staff report was read by Elisa Deflaux, Planner II, on that date. There was
57 discussion and concern regarding the waivers requested. In December, Commissioners
58 Strannahan and Spies expressed that they do not believe that there is a current need for
59 sidewalks but with the growth potential of Royal Oak, it could be possible in the future.
60 Commissioner Councill asked the client if they wanted to move forward with the
61 Preliminary Major Subdivision and Revision Plat and place the waiver on hold. Mr.
62 Callahan agreed.

63
64 The applicant submitted an exhibit and requested to be placed on the January 2021
65 Planning Commission agenda. Sean Callahan of Lane Engineering, LLC and the property
66 owner, Clint Wadsworth attended the January meeting virtually. Sean Callahan explained
67 that there is no new information on the exhibit that his office submitted. The intent was to
68 show the already existing easements. Along Rt 329 there is a 5-foot road widening
69 easement. He also believes there is a 15-foot drainage and utility easement. Therefore,
70 these easements would provide enough space for a sidewalk. He stated that most
71 subdivisions in Talbot County do not have sidewalks and the applicant does not want to
72 be required to install sidewalks and streetlights.

73
74 Commissioner Councill inquired if a utility easement would satisfy the requirement for a
75 sidewalk easement. Mike Mertaugh, from Public Works Department, stated that an
76 easement does make it more likely but is not a guarantee; a plat for a sidewalk easement
77 would need to state such. He noted there are already sanitary lines running through Royal
78 Oak Rd. Mr. Mertaugh suggested that it might be worthwhile to add additional width to
79 the easement, such as 5 feet, to make it a drainage and sidewalk easement. The
80 Commissioners continued to discuss the sidewalks. Commissioner Ghezzi, Commissioner
81 Boicourt and Commissioner Spies are in support of an easement. Commissioner Councill
82 suggested the applicant and staff work together to include the sidewalk easement as part
83 of the existing easement. If for some reason it cannot be done, then the application could
84 come back to the Commission where they could explore the opportunity for a waiver. Mr.
85 Callahan said they would be happy to add the additional 5 feet to the easement. The
86 Commission will leave it up to the staff and applicant to work it out.

87
88 In regards to the streetlight waiver, Mr. Callahan stated that most homeowners have
89 security lights. Commissioner Spies was concerned about who would be responsible for
90 the maintenance of the streetlights. Mike Mertaugh stated that the Home Owners
91 Association (HOA) would be responsible unless they are required in a Road Maintenance
92 Agreement. Commissioner Spies noted that if the HOA dissolves, there would be no
93 group maintaining the streetlights.

94

95 **Commissioner Spies moved to approve the waiver of installation of streetlights per**
96 **§190-35.5 of the Talbot County Code, with staff conditions. Commissioner Boicourt**
97 **seconded the motion. The motion carried unanimously.**
98

99 **5. New Business**

- 100
101 **a. Applicant:** Moores Rd. LLC
102 **File No.:** C-708
103 **Agent:** Sean Callahan, Lane Engineering, LLC
104 **Request:** Amendment to Official Zoning Map to rezone 2.029 acres from
105 Village Hamlet to Western Rural Conservation
106 **Location:** Lindsay Lane, Royal Oak, MD 21662
107 **Zoning:** Map 41 Grid 7, Parcel 68; Zone: VH, WRC, RC, CAO

108 Elisa Deflaux, Planner II, read the staff report. The applicant is seeking a Planning
109 Commission recommendation to the County Council for an Amendment to the Official
110 Zoning Maps of Talbot County on a property located on Tax Map 41, Parcel 68 (subject
111 property). The current zoning is zoned Village Hamlet (VH), Resource Conservation
112 (RC), and Western Rural Conservation (WRC) with a Critical Area Overlay (CAO) on a
113 portion of the subject property. The applicant is requesting 2.029 acres of land to be
114 rezoned from VH to WRC. Staff supports a favorable recommendation by the
115 Commission to the County Council (Council) for the requested Amendment to the
116 Official Zoning Maps based on the Findings of Fact and the “change” standard for the
117 decision as indicated in the below staff report. However, originally staff recommended
118 the Commission advise the Council not to consider introduction of legislation until
119 approval and recordation of the Applicant’s Major Subdivision and Revision Plat. Miguel
120 Salinas, Planning Officer, stated that after review and discussion with the applicant, staff
121 has agreed not ask the Council to wait on the introduction of legislation.
122

123 Peter Cotter, Attorney for Moores Rd LLC and Sean Callahan were in attendance. The
124 applicant believes that this rezoning from VH to WRC will protect the sensitive
125 ecological features of this area. The applicant would like to go to the County Council and
126 obtain the rezoning prior to Final Plat submission. Commissioner Ghezzi asked if the
127 rezoning to build a single-family home would change the number of development rights
128 on the Remaining Lands. Miguel Salinas explained that the three development rights are
129 still there. However, due to environmental features, such as wetlands, they will have a
130 hard time using all of them. Peter Cotter added that the applicant did not want to waive
131 their right to use them in the future, but there is no current intent to use them.
132

133 “Commissioner Boicourt stated that due to the wetlands argument he prefers the change
134 agreement. You have to be careful and protect the comprehensive rezoning decisions.
135 Change is more agreeable. Commissioner Strannahan stated he thinks change is a better
136 way, but supports the rezoning. Commissioner Ghezzi agreed with Commissioner
137 Boicourt on sensitivity. Commissioner Spies stated he was comfortable with the decision
138 to support change versus mistake.
139

140 Commissioner Ghezzi moved that the Planning Commission recommend to the
141 County Council support for the Amendment to the Official Zoning Maps for
142 Moores Road, LLC for the rezoning of 2.029 acres from VH to WRC with
143 preference for change versus mistake rule. Commissioner Spies seconded the
144 motion. The motion carried unanimously.”
145

- 146 **b. Applicant:** Les and Lori Ireland
147 **File No.:** MV 41
148 **Agent:** Lars Erickson
149 **Request:** Recommendation to the Planning Director-Minor Variance for
150 replacement of a deck in the Shoreline Development Buffer with a
151 screened porch
152 **Location:** 27637 Parkway Rd, Easton MD 21601
153 **Zoning:** Map 24 Grid 7, Parcel 200; Zone: RR, CAO

154 Maria, Brophy, Planner II, read the staff report. The applicant is seeking Planning
155 Commission recommendation of approval for a Minor Variance of the 100’ Shoreline
156 Development Buffer to replace a 359 square foot deck located 73’ from Mean High
157 Water (MHW) with a 431 square foot screened porch located 70’ from mean high water,
158 encroaching no closer to MHW than the existing residence. Staff recommended that the
159 PC forward the Minor Variance Application to a future hearing once the potential
160 violation has been adequately investigated and resolved.
161

162 Should the Planning Commission recommend approval of the Minor Variance, staff
163 recommends the following conditions:
164

- 165 1. The applicant shall comply with and address all outstanding issues and comments.
- 166 2. The applicant shall apply for and receive approval of a Buffer Management Plan that
167 complies with all requirements of the Critical Area Law.
- 168 3. The applicant shall make an application to the Office of Permits and Inspections, and
169 follow all rules, procedures, and construction timelines as outlined regarding new
170 construction.
- 171 4. The applicant shall comply with all lot coverage requirements as spelled out in the
172 Talbot County Code.
- 173 5. The applicant shall commence construction of the proposed improvements within
174 eighteen (18) months from the date of the Planning Office’s “Notice to Proceed”.
175

176 Ryan Showalter of McCallister, Detar, Showalter and Walker, and Lars Erickson
177 represented the applicant. He stated that there was a concern by staff that that there was a
178 violation. An image from 2007 caused an impression that the guest house had been
179 moved or modified. He explained that this was due to an aerial image obstructed by trees.
180 The applicant submitted photos and affidavits proving the guest house was not moved or
181 demolished and rebuilt. Commissioner Strannahan thanked everyone for their due
182 diligence on the matter. Commissioner Ghezzi was also glad to see staff, applicant and
183 the property owners work together on this. Commissioner Ghezzi wanted clarification on
184 a 1994 permit mentioned in the staff report. Lars Erickson explained that the guest

185 house was originally the primary residence. The large addition that happened in 1994 is
186 now the primary residents.

187
188 There were no public comments.

189
190 **Commissioner Ghezzi moved that the Planning Commission recommend approval**
191 **of Minor Variance # MV41 for Leslie and Lori Ireland at 27637 Parkway Road**
192 **subject to staff conditions. Commissioner Boicourt seconded the motion. The motion**
193 **carried unanimously.**

194
195 **c. Applicant:** Toby LLR
196 **File No.:** L1356
197 **Agent:** Chris Waters, Davis, Bowen and Friedel, Inc
198 **Request:** Sketch Major Revision Plat to revise property lines between Tax
199 Parcel 103 and Lots 1-5 to create Revised Tax Parcel 103 and
200 Revised Tax Parcel 103, Lot 1
201 **Location:** 12480 Blades Rd, Cordova MD 21625
202 **Zoning:** Map 5 Grid 17, Parcel 103 and Lots 1-5; Zone: AC

203 Commissioner Councill excused himself due to a personal conflict and that
204 Commissioner Boicourt will lead during this application. Maria Brophy read the staff
205 report. The applicant is seeking Planning Commission approval of a Major Revision Plat
206 - Sketch Plan to revise the property lines between Tax Parcel 103 and Lots 1, 2, 3, 4 and
207 5 of "Poplar Cove Subdivision" hereby creating Revised Tax Parcel 103 Lot 1 and
208 Revised Tax Parcel 103 Lot 2, and abandoning Lots 1 – 5 of "Poplar Cove Subdivision".

209
210 Should the Planning Commission approve the Sketch Major Revision Plat, staff
211 recommends the following conditions:

212
213 1. The applicant shall take all of the required steps and acquire all necessary approvals,
214 including any waivers, required for a Major Revision Plat as spelled out in the Talbot
215 County Code.

216
217 2. The applicant shall comply with and address all outstanding issues and TAC comments
218 from the December 9, 2020 meeting prior to Preliminary Plat Submittal.

219
220 Chris Waters of Davis, Bowen ad Friedel represented the applicant. He gave a brief
221 description of the project. The result of this project will be the consolidation of these (5)
222 five lots into (1) one lot. He stated Mike Mertaugh of Public Works was concerned with
223 the pipestem. The applicant plans on working with staff on an easement to resolve that
224 issue. Commissioner Ghezzi inquired about the number of development rights and the
225 purpose of redrawing the lot line; there are currently (5) development rights. Chris
226 Waters explained that they will probably abandon four development rights. The applicant
227 would like to eventually sell the six acres out front. Commissioner Ghezzi asked that if
228 the property is sold out front, will they have access to Skipton Cordova Road. Mike
229 Mertaugh of Public Works Department, confirmed that they would have access to

230 Skipton Cordova Road and they would be required to get a permit from the Roads
231 Department.

232
233 There were no public comments.

234
235 **Commissioner Strannahan recommended that the Planning Commission approve**
236 **#L1356 Major Revision Plan – Sketch Plan for Alan Steven Toby and Nancy**
237 **Roberta Toby (Toby LLR) subject to staff conditions. Commissioner Spies seconded**
238 **the motion. The motion carried (4-0, Councill abstained).**

239
240 **d. Applicant:** McMiles, LLC
241 **File No:** L1332
242 **Agent:** Sean Callahan, Lane Engineering, LLC
243 **Request:** 1. Preliminary Major Revision Plat to revise lot lines between Tax
244 Parcel 118, Lots 43-49 by abandoning Lots 45 and 49 and
245 reconfigure into five lots
246 **Location:** Rest Circle, Easton MD 21601
247 **Zoning:** Map 24 Grid 24, Parcel 118; Lots 43-49; Zone: RR/CAO

248 Elisa Deflaux, Planner II, read the staff report. The applicant is seeking Planning
249 Commission approval of a Major Revision Plat – Sketch Plan to propose line revisions
250 between seven lots of record, Lots 43-49, with the abandonment of Lots 45 and 49 to
251 create 5 buildable lots that the applicant intends to be served by public sewer pending
252 approvals from the Maryland Department of the Environment and the Maryland
253 Department of Planning.

254
255 Should the Planning Commission approve the Sketch Major Revision Plan, staff
256 recommends the following conditions:

- 257
258 1. The applicant shall take all of the required steps and acquire all necessary approvals,
259 including any waivers necessary, required for a Major Revision Plat as spelled out in the
260 Talbot County Code.
261 2. The applicant shall comply with and address all additional TAC comments from the
262 December 9, 2020 meeting prior to Preliminary Plat Submittal.

263
264 Sean Callahan of Lane Engineering represented the applicant. He stated that this project
265 was previously in front of the Planning Commission. He gave a brief summary of the
266 project. The intent is to reduce the number of lots from (7) seven to (5) five. One lot
267 would be a family lot. Each one of the four children would get one lot. The intention is all
268 of the children would eventually have a home on the property. He stated that the
269 applicant has taken all suggestions into consideration and all of the TAC comments have
270 been addressed. He asked that they consider both Preliminary and Final Plat approval.

271
272 Elisa Deflaux confirmed for Commissioner Ghezzi that if Commission approved the
273 Preliminary and Final Plat the applicant will still need to go through the TAC and CRM
274 process. Commissioner Ghezzi asked the applicant to clarify the purpose of having the
275 pipestem drawn in. Sean Callahan stated that Lot (43) forty-three was a little narrow.

276 The pipestem allows the lot to have enough acreage to build on. Staff confirmed that RR
277 zoning currently requires (2) two acres per lot. By reducing the number of lots from (7)
278 seven to (5) five, the nonconforming lots are moving closer to the current zoning
279 requirements.

280
281 There were no comments from the public.

282
283 **Commissioner Spies moved that the Planning Commission approve # L1348 Major**
284 **Revision Plan – Preliminary and Final Plat for McMiles, LLC subject to staff**
285 **conditions. Commissioner Strannahan seconded the motion. The motion carried**
286 **unanimously.**

287
288 **6. Discussions Item**

289 **a.** Review and discussion of the land use classification “Organic waste recovery
290 facility” as defined in Chapter 190 – Article 1X of the Talbot County Code

291
292 Commissioner Councill requested this discussion item. Several residents of Cordova
293 contacted Commissioner Councill after the discussion at the December 2020 meeting
294 with Denali Water Solutions. Upon review of the definition of “Organic resource facility”
295 in the County Code, Commissioner Councill believes that the definition needs to be
296 reviewed. He noted that it’s important that we have a clear definition to protect the
297 County. Miguel Salinas read the definition of “Organic resource facility” as currently
298 written in the Talbot County Zoning Code. Staff and Commissioners discussed the
299 difference between a Waste Recovery Facility and Bio-solids facility; bio-solids are
300 treated at some point in the process.

301
302 **b.** Update on Denali

303
304 Mr. Salinas stated that the attorney that represents Delani Water Solutions were
305 renegotiating an extension on their contract for the for poultry plant property in Cordova.
306 They hope to provide answers in the near future to the questions that the Commissioners
307 had at the December meeting. Staff will review the zoning ordinance to see if there are
308 any recommendations that staff could provide the Planning Commission. Staff will listen
309 to the comments made by the Commissioners at the December 2020 discussion such as
310 Commissioner Spies traffic evaluation questions. Mr. Salinas will also provide the
311 Planning Commission the process to initiate changes to the Zoning Ordinance.
312 Commissioner Councill noted that the Commissioners are not opposing any specific
313 project. Rather, the review of the land use classifications is for clarification and the
314 protection of the County and residents.

315
316 **7. Staff Matters**— Announcement; The position of Assistant Planning officer has been
317 filled by Brennan Tarleton. He will be starting on January 19, 2021.

318
319 **8. Work Sessions**

320

321 **9. Commission Matters**—Due to COVID, the Planning Commission will continue to
322 hold meetings virtually. If possible, the use of video will be added for Commissioners
323 and applicants. The meeting will still be available via conference call for the public.

324
325 **10. Adjournment**– Commissioner Councell adjourned the meeting at 11:32 a.m.
326